

REMARKS

Reconsideration of the application in view of the above amendments and following remarks is respectfully requested.

Status of the Claims

The drawings were objected to.

Claims 1-20 were rejected.

Claims 1 and 3 have been amended.

No new matter has been added.

Claims 1-20 are currently pending.

Examiner's Interview

Applicants' attorney, Benjamin Han, conducted a telephone interview with Examiner Hale on December 19, 2008. Applicants' attorney thanks Examiner Hale for the courtesies extended by the Examiner during this interview. During the interview, the submission of new drawings was discussed. Specifically, the submission of new drawings showing "spats, leotards, tights, pantyhose, sports tights, a body suit" to address the objections to the drawings were discussed. The Examiner indicated that new drawings showing these features would not be rejected on the basis of improperly introducing new matter since these features are described in the originally filed disclosure.

Objection to the Drawings

The drawings were objected to under 37 CFR 1.83(a) for failing to show each and every feature of the invention specified in the claims. Specifically, the Examiner indicates that that the recitation of a garment reaching "ankles" in claims 7 and 17, and the recitation of "spats, leotard, tights, pantyhose, sports tights, and a bodysuit" in claims 12 and 20 are not shown in the drawings. In response, Applicants have attached new drawing sheets introducing new Figures 15A-15G.

Further, the Specification has been amended to reflect the new Figures 15A-15G. No new matter has been added.

Withdrawal of the objection to the drawings under 37 CFR 1.83(a) is respectfully requested.

Rejection Under 35 U.S.C. §102

Claims 1-20 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,109,546 to Dicker ("Dicker").

Independent claim 1 has been amended to recite a crotch-possessing corrective garment including "an integrated tightening portion...extending...from a vicinity of an upper part of the buttocks cleft, passing vicinities of upper parts of the right and left buttocks, to vicinities of the right and left greater trochanters." It is respectfully submitted that Dicker does not suggest or disclose at least this feature of the presently claimed invention.

Dicker describes an exercise suit having a leg band 42. The leg band 42 is linearly attached to the pants and spirally encircles each pant leg 24. *See* Dicker, col. 4, lines 34-35. The Examiner asserts that the leg band 42 of Dicker is comparable to the integrated tightening portion of the presently claimed invention. Applicants respectfully disagree.

The tightening portion of the presently claimed invention is an integral portion of the garment that extends from the "buttocks cleft," to the "greater trochanters." This configuration is shown, for example, in Figures 9A and 9B, and described on p. 16-17, Paragraph [0064] of the Specification. In contrast, the leg band 42 of Dicker is a discrete band that is separate from the described exercise suit and is retained by loops 33. *See* Dicker, Figure 7; and col. 4, lines 49-53. In addition, the leg band 42 does not extend from a "buttocks cleft," but rather extends nearly vertically down the center of each buttock. *See* Dicker, Figure 5.

Further, Applicants submit that Dicker does not disclose "a body front tightening portion...extending...from above a crotch at a front center toward above a right and left of the crotch," as recited in independent claim 1. The reinforcing segment 38 of Dicker merely transmits the resistive force of the leg band 42, and is not a "tightening portion" as recited in claim 1. Further,

the Examiner does not even contend that Dicker discloses the body front tightening portion of the presently claimed invention. Thus, because Dicker does not disclose each and every element of independent claim 1, Dicker cannot anticipate claim 1.

Accordingly, withdrawal of the rejection of claim 1 under 35 U.S.C. §102(b) based on Dicker is respectfully requested.

Claims 2 and 4-12 depend from claim 1. By virtue of their dependency and for at least the reasons described above, Dicker cannot anticipate claims 2 and 4-12. Accordingly, withdrawal of the rejection of claims 2 and 4-12 under 35 U.S.C. §102(b) based on Dicker is respectfully requested.

Independent claim 3 has been amended to recite features similar to those described above with respect to claim 1. Thus, for at least the reasons described above, Dicker cannot anticipate claim 3. Withdrawal of the rejection of claim 3 under 35 U.S.C. §102(b) based on Dicker is respectfully requested.

Claims 13-20 depend from claim 3. By virtue of their dependency and for at least the reasons described above, Dicker cannot anticipate claims 13-20. Withdrawal of the rejection of claims 13-20 under 35 U.S.C. §102(b) based on Dicker is respectfully requested.

CONCLUSION

Each and every point raised in the Office Action dated October 1, 2008 has been addressed on the basis of the foregoing remarks. In view of the foregoing, it is believed that each of the pending claims is in condition for allowance, and it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining which the Examiner believes could be resolved through a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

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Respectfully submitted,

By 

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Attachments

Application No. 10/596,040
Amendment dated March 19, 2009
Reply to Office Action of October 1, 2008

Docket No.: 09657/0204349-US0

NEW SHEETS